

REMARKS

Entry of the foregoing and further and favorable consideration of the subject application are respectfully requested.

As correctly stated in the Official Action, Claims 55-96 are pending in the present application. Claim 96 stands withdrawn from consideration. Claims 55-95 stand rejected.

By the present amendment, Claim 55 has been amended to recite mollusc species disclosed in the specification. Claims 89 and 95 have been amended to independent form. Claim 76 has been canceled, without prejudice to or disclaimer of the subject matter contained therein. Claims 77-80, 82, 83, 85, 87, and 92-94 have been amended to depend from Claim 89. No new matter has been added. Applicants expressly reserve the right to file a continuation or divisional application on any subject matter canceled by the present amendment.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 55-95 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. Claim 76 has been canceled by the present amendment, thereby mooting this rejection as it applies to this claim. Without conceding to the merits of this rejection, independent Claim 55 has been amended to recite the specific species of molluscs referred to in the specification. Further, newly independent Claim 89 does not recite any mollusc taxonomy. Claims 77-88 and 90-95 now depend, either directly or indirectly, from Claim 89. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 76-81, 83, 85-88, and 92-94 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Ikari et al. (EP 485213). Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claim 76 has been canceled, thereby mooting this rejection as it applies to this claims. Claims 77-81, 83, 85-88, and 92-94 now depend, either directly or indirectly, from Claim 89, which has not been included in this rejection. Withdrawal of this rejection is respectfully requested.

Claims 76-79, 82, and 88 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Chemical Abstracts 125:63666. Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claim 76 has been canceled, thereby mooting this rejection as it applies to this claim. Claims 77-79, 82, and 88 now depend, either directly or indirectly, from Claim 89, which has not been included in this rejection. Withdrawal of this rejection is respectfully requested.

Claims 76-78, 80, 82, and 88 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Chemical Abstracts 95:186651. Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claim 76 has been canceled by the present amendment, thereby mooting this rejection as it applies to this claim. Claims 77, 78, 80, 82, and 88 now depend, either directly or indirectly, from Claim 89, which has not been included in this rejection. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 82 and 84 stand rejected as allegedly obvious over Ikari et al. Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claims 82 and 84 now depend, either directly or indirectly, from Claim 89, which has not been included in this rejection. Withdrawal of this rejection is respectfully requested.

Conclusions

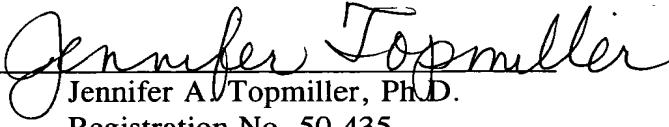
From the foregoing, further and favorable consideration of the subject application on the merits is respectfully requested and such action is earnestly solicited.

If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone Applicant's undersigned representative so that prosecution may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: December 19, 2003

By: 
Jennifer A. Topmiller, Ph.D.
Registration No. 50,435

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620